

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

175 West Fifth Street, Second Floor, San Bernardino, CA 92415-0490

• (909) 387-5866 • FAX (909) 387-5871

E-MAIL: lafco@lafco.sbcounty.gov

www.sbclafco.org

DATE: NOVEMBER 8, 2005

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
MICHAEL TUERPE, LAFCO Analyst

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: LAFCO 2989—City of Redlands Annexation No. 81

INITIATED BY:

City Council Resolution, City of Redlands

RECOMMENDATION:

The staff recommends that the Commission:

1. Take the following actions with respect to environmental review:
 - a. Certify that the Initial Study and Mitigated Negative Declaration adopted by the City of Redlands for Annexation No. 81, Zone Change 391 and Tentative Tract 16402 have been independently reviewed and considered by the Commission, its staff, and Environmental Consultant;
 - b. Determine that the Initial Study and Mitigated Negative Declaration are adequate for Commission use as a CEQA Responsible Agency related to LAFCO 2989;
 - c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for the project; that the mitigation measures identified in the City's environmental documents are the responsibility of the City and others, not the Commission; and
 - d. Direct the Clerk of the Commission to file a Notice of Determination as a Responsible Agency within five days and find that no further Department of Fish and Game filing fees are required by the Commission's approval since the City, as lead agency, had paid said fees.

2. Approve LAFCO 2989 with the following conditions:
 - a. Completion of LAFCO 2989 shall be held in abeyance, for a period not to exceed six months, to allow for the negotiation and signing of a contract between the City of Redlands and the County of San Bernardino for the continued provision of law enforcement and fire protection services by the County and its special district, County Service Area 38. Failure to submit the signed contract within the time period specified will terminate LAFCO 2989.
 - b. The standard terms and conditions of approval that include the “hold harmless” clause for potential litigation, continuation of fees, charges, assessments, etc...
3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner consent and concurrence from the City of Redlands.
4. Adopt Resolution No. 2899, setting forth the Commission’s findings, determinations, and conditions of approval concerning this proposal.

BACKGROUND

At the October 19th hearing the Commission continued the consideration of LAFCO 2989 with the direction to LAFCO staff to return with additional information related to: 1) the acquisition date of the properties, 2) law enforcement response times to the areas, and 3) further information related to service delivery between the County and City of Redlands.

In response to Item #1, AKS & BEK Partners acquired the two parcels in 2002 and initiated the development application with the City of Redlands for Tentative Tract 16402. On May 14, 2004 the two parcels, along with the land use approvals, were acquired by Fontana Wong Investments Inc. and Victoria Homes Inc., the applicants for LAFCO 2989.

In response to Item #2, for the first nine months of this year, the average City of Redlands police response time to emergency calls is approximately 9 minutes and 32 seconds, but varies depending upon the location of the responding patrol units at the time of request. Area specific response times are not available from the City. The County Sheriff, as of the date of publication of this report, has not provided a response time within the area.

In response to Item #3, on November 7, 2005 Supervisor, and LAFCO Commissioner, Hansberger initiated discussions between the City of Redlands staff, County staff, and LAFCO staff. The discussions centered on the possibilities of a contractual service relationship, primarily for law enforcement and fire response, with the County following annexation by the City. Conceptual

agreement on a contractual relationship was outlined at the meeting, with further negotiations to take place to prepare the specific contract, detail the specific area in which it would apply and other considerations. The staff is recommending that completion of this proposal be contingent upon the successful negotiation of that contact.

Pursuant to Section 56885.5b of the Government Code, if the Commission so conditions its approval, the commission may order that any further action, such as completion of LAFCO 2989, is held in abeyance for a period not to exceed six months from the date of that conditional approval. Therefore, approval of staff's recommendation would approve LAFCO 2989 with the condition that issuance of the Certificate of Completion will be held in abeyance for a period of six months until receipt of a signed contract for service for police services and fire services between the City of Redlands and the County of San Bernardino.

CONCLUSION:

The original staff report dated October 11, 2005 (see Attachment #3) provides the general background of LAFCO 2989, findings and determinations, and an outline of environmental issues for the application which remain unchanged.

As outlined above, staff supports approval of LAFCO 2989 with the condition that a contract between the City of Redlands and the County of San Bernardino for law enforcement and fire services be finalized. The basis for the staff's support remains that the development anticipated for the area will benefit from the full range of municipal services, it needs the services of water and sewer to develop at the land use intensity anticipated by both the City and County General Plan land use designations, and those services, pursuant to the City's Municipal Code, cannot be provided without annexation. For all the reasons outlined above, and those outlined within the original staff report, staff recommends conditional approval of LAFCO 2989.

KRM/mt

Attachments:

1. Vicinity Maps and Annexation Map
2. Response from the City of Redlands Police Department dated November 4, 2005
3. [Previous Staff Report dated October 11, 2005](#)
4. Draft Resolution No. 2899